IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

CRP.No. 2289 of 1999(G)

LAR.138/1988 of SUB COURT, CHERTHALA
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REVN. PETITIONER:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI. M.R. SABU.

RESPONDENTS/CLAIMANTS:

*** 1. NARAYANI, THEKKE VALUVANA VEETTIL, PATTANAKKADU MURI, VALAYAR MEKKU VILLAGE.**

2. SOMAN, THEKKE VALUVANA VEETTIL, PATTANAKKADU MURI, VALAYAR MEKKU .

3. PONNAPPAN, THEKKE VALUVANA VEETTIL, PATTANAKKADU MURI, VALAYAR MEKKU VILLAGE.

4. CHANDRIKA, THEKKE VALUVANA VEETTIL, PATTANAKKADU MURI, VALAYAR MEKKU VILLAGE.

5. OMANA, THEKKE VALUVANA VEETTIL, PATTANAKKADU MURI, VALAYAR MEKKU VILLAGE.

***R1 EXPIRED AND R2 TO R5 ARE RECORDED AS LEGAL REPRESENTATIVES OF DECEASED R1 VIDE ORDER DATED 1.2.07 IN CRP.2289/99, MEMO OF 5790/06 DTD.10.10.06)**

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 2289 OF 1999

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Dated this the 14th day of March, 2007.

O R D E R

This revision is preferred by the State against the order passed by the Subordinate Judge, Cherthala in E.P.73/84 in LAR 138/88. A decree was passed on 27.11.92 and as per the decree the decree holders were allowed to realise Rs.2649.50 as enhanced compensation in the market value, a sum of Rs.1216.01 as additional remuneration and a sum of Rs. 1309.86 as solatium. It is also specified in the decree that the decree holders are allowed to realise interest at the rate of 9% on the sum adjusted from 17.7.82 till 16.7.83 and thereafter at the rate of 15% per annum. The State took a stand that there is an enhancement of payment of Rs.2013/- and that the liability of the State is only to pay interest on the sum of Rs.2649.50. It also took the stand that 10% has to be deducted towards income tax. All these contentions were considered and rejected by the learned Subordinate Judge and ultimately held that the total comes to Rs.6175.47 as on 9.6.97 and that the decree holders are entitled

to get 15% interest for the subsequent period till deposit. The Apex Court, in the decision reported in ***Sunder v. Union of India (2001 (3) KLT 489),*** has held that a person entitled to the award of compensation is also entitled to get interest on the aggregate amount including solatium. So, here, in this case, the aggregate amount and the solatium is taken into consideration by the learned Subordinate Judge and interest is ordered accordingly. So, it is strictly in compliance with the decision of the Apex Court. Therefore, there is no illegality or irregularity committed by the trial court and therefore the C.R.P. is devoid of merits and it is dismissed.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.
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C.R.P. NO. 2289 OF 1999
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J U D G M E N T

14th March, 2007.